



# California Fair Political Practices Commission

August 7, 1986

Richard Neuhoff  
1256 Dolores Street, No. 1  
San Francisco, CA 94110

Re: Your Request for Advice  
Our File No. A-86-224

Dear Mr. Neuhoff:

This is in response to your letter of July 9, 1986, which confirms telephone advice I provided you on July 7, 1986, in connection with the campaign disclosure provisions of the Political Reform Act (Government Code Sections 81000-91015).

## QUESTIONS

You asked whether a candidate's controlled committee must report payments made by an independent group for advertising supporting the candidate when the payments were not made at the behest of the candidate or the controlled committee. Specifically, you asked if the payments would become a contribution once the candidate or committee became aware of the independent group's activities.

## ANSWERS

I advised you that such payments are not "contributions" as defined in Government Code Section 82015, but are "independent expenditures" which are defined in Government Code Section 82031 as:

... an expenditure made by any person in connection with a communication which expressly advocates the election or defeat of a clearly identified candidate or the qualification, passage or defeat of a clearly identified measure, or taken as a whole and in context, unambiguously urges a particular result in an election but which is not made to or at the behest of the affected candidate or committee. (Emphasis added.)

The term "made at the behest" is defined in FPPC regulation 2 Cal. Adm. Code Section 18215 as follows:

"Made at the behest" means a payment under the control or at the direction of, in cooperation, consultation, coordination, or concert with, or at the request or

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suggestion of a candidate, controlled committee, official committee of a political party, or organization formed or existing primarily for political purposes.

A candidate or committee which becomes aware of an independent expenditure made to support the candidate is not required to report the independent expenditure if it is not made at their behest.

I hope this information is helpful. Please call me at (916) 322-5662 if you have any additional questions.

Sincerely,

*Carla Wardlow*

Carla Wardlow  
Political Reform Consultant

CW:cah

# COMMITTEE TO CONSERVE THE COURTS

Chief Justice Rose Elizabeth Bird

I.D. #821869

Post Office Box 69870 • Los Angeles, California 90069

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658-8717

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July 9, 1986

Ms. Carla Wardlow  
Consultant  
Fair Political Practices Commission  
P.O. Box 807  
Sacramento, CA. 95807

Dear Ms. Wardlow,

This is to confirm in writing the substance of a telephone conversation we had on Monday, July 7, 1986.

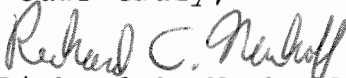
I asked you whether a controlled committee would have any reporting obligations under the Fair Political Practices Act if an independent group or committee, acting independently and not at the behest of or under the direct or indirect control of the controlled committee, prepared and paid for or disseminated advertising that directly supports, and advocates reelection of, the person who controls the controlled committee.

I specifically asked whether the controlled committee, once it became aware of the independent group's actions, would have to report the independent group's expenditures or actions as in-kind contributions to the controlled committee.

You advised me that in the situation posited, the controlled committee would not have any obligation to report the expenditures or actions of the independent committee, neither as a monetary nor an in-kind contribution.

Thank you very much for your kind assistance in answering my question. If this letter does not accurately reflect the substance of your advice, please let me know as quickly as possible. I can be reached at (415) 824-8427. My address is 1256 Dolores St. #1, San Francisco, Ca. 94110.

Yours truly,

  
Richard C. Neuhoef



# California Fair Political Practices Commission

July 14, 1986

Richard C. Neuhoff  
Committee to Conserve the Court  
P.O. Box 69870  
Los Angeles, CA 90069

Re: 86-224

Dear Mr. Neuhoff:

Your letter requesting advice under the Political Reform Act has been received on July 11, 1986 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact the Technical Assistance and Analysis Division at (916) 322-5662.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or unless more information is needed to answer your request, you should expect a response within 21 working days.

Very truly yours,

*Jeanne Pritchard*  
Jeanne Pritchard  
Chief  
Technical Assistance and Analysis  
Division

JP:plh